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RUMJHT/AMEMBASSY KATHMANDU 1535
RUSBAY/AMCONSUL BOMBAY 4487
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RUEHMR/AMCONSUL MADRAS 3544
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C O N F I D E N T I A L NEW DELHI 17252

E.O. 12356: DECL: OADR
TAGS: PREL, USIN
SUBJECT: AMBASSADOR'S TALKS WITH SENIOR INDIAN
OFFICIALS ON CONGRESSMAN SOLARZ' SUBCOMMITTEE
HEARINGS ON PUNJAB

REF: (A) STATE 228365; (B) NEW DELHI 16792;
(C) STATE 222600; D. STATE 229690

1. CONFIDENTIAL - ENTIRE TEXT.

2. IN AMBASSADOR'S "RETURN TO POST" CALLS ON SENIOR GOI OFFICIALS FOREIGN SECRETARY RASGOTRA AND SENIOR FOREIGN AFFAIRS ADVISOR TO THE PRIME MINISTER, G. PARTHASARATHY, BOTH RAISED THE SOLARZ HEARINGS BUT P. C. ALEXANDER, PRINCIPAL SECRETARY TO THE PRIME MINISTER DID NOT. OTHER SUBJECTS DISCUSSED IN THESE CONVERSATIONS ARE BEING REPORTED BY SEPTELS.

3. IN A JULY 28 MEETING RASGOTRA SAID THE FIRST ITEM OF BUSINESS HE HAD TO RAISE WAS THE "VERY DISTURBING AND, IN OUR EYES, OBJECTIONABLE" PROPOSED HEARING IN THE (US) HOUSE OF REPRESENTATIVES ADVERTISED AS A HEARING ON PUNJAB. RASGOTRA WENT ON TO EXPRESS APPRECIATION FOR THE U.S. GOVERNMENT'S STATEMENTS SUPPORTING INDIA'S UNITY AND TERRITORIAL INTEGRITY. BUT, HE SAID, IF THE HEARINGS PROCEED, THERE WILL BE A "WIDESPREAD GENERAL AND SERIOUS REACTION IN OUR PARLIAMENT" AND A "WHOLE RANGE OF REPERCUSSIONS WHICH YOU DON'T WANT TO SEE AND WE DON'T WANT TO SEE." RASGOTRA POINTED OUT HE HAD ASKED INDIAN AMBASSADOR BAUPAI TO TAKE THIS UP IN WASHINGTON, INCLUDING WITH SOLARZ "IN CLEAR TERMS," ADDING THAT HE WOULD BE GRATEFUL FOR WHATEVER AMBASSADOR COULD DO TO HELP STOP THE HEARINGS.

4. THERE FOLLOWED A DISCUSSION OF COMPARATIVE INDIAN AND AMERICAN CONSTITUTIONAL DOCTRINES IN WHICH THE

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AMBASSADOR TRIED TO CORRECT RASGOTRA'S ASSUMPTION THAT SINCE CONGRESS WAS A "BRANCH OF THE U.S. GOVERNMENT," THE FACT OF THE HEARINGS WOULD REPRESENT AN OFFICIAL US STATEMENT ON PUNJAB. AMBASSADOR ALSO EXPRESSED CONCERN ABOUT THE STATEMENTS BY SEVERAL MEMBERS DURING THE CURRENT DEBATE IN THE INDIAN PARLIAMENT IN WHICH IMPLICATIONS WERE MADE ABOUT U.S. INVOLVEMENT IN THE PUNJAB PROBLEMS. HE NOTED THAT WHEN IN WASHINGTON HE HAD MET REP SOLARZ TO DISCUSS A POSSIBLE CONGRESSIONAL DELEGATION TO INDIA. AMBASSADOR REMINDED RASGOTRA THAT SOLARZ IS ONE OF THE CONGRESSMEN MOST SYMPATHETIC TO INDIA. SOLARZ, HOWEVER, SAID HE WAS DISTRESSED BY THE ALLEGATIONS BY INDIAN POLITICIANS AGAINST ALLEGED U.S. ACTIVITIES IN THE PUNJAB.

5. AMBASSADOR WENT ON TO EXPLAIN THAT EVEN THOUGH THE EXECUTIVE BRANCH CANNOT TELL CONGRESS WHAT TO DO, ASSISTANT SECRETARY MURPHY HAD RECENTLY CALLED CONGRESSMAN SOLARZ, POINTING OUT THE SENSITIVITY OF THE WHOLE PUNJAB ISSUE AND ASKING THAT HE NOT HOLD THE HEARINGS. WE HAD JUST LEARNED THAT SOLARZ HAD AGREED TO POSTPONE HEARINGS UNTIL SEPTEMBER, BUT HAD FIXED NO DATE, NEVERTHELESS HE HAD POINTED OUT THAT INDIAN CHARGES OF CIA INTERFERENCE IN PUNJAB OBLIGATED HIS SUB-COMMITTEE TO EXERCISE ITS OVERSIGHT RESPONSIBILITY. AMBASSADOR SUGGESTED TO RASGOTRA THAT THE INDIANS START FROM ASSUMPTION THAT THE HEARINGS ARE NOT BEING CONDUCTED TO CREATE PROBLEMS BUT RATHER ARE IN KEEPING WITH NORMAL CONGRESSIONAL REVIEW PROCESS AS IS CARRIED OUT, FOR EXAMPLE, IN THE SECRETARY OF STATE'S PERIODIC TESTIMONY IN CONGRESSIONAL HEARINGS ON THE BUDGET AND U.S. FOREIGN RELATIONS. HE RECALLED THAT SOLARZ HAD TOLD BOTH AMBASSADOR BAUPAI AND ASSISTANT SECRETARY MURPHY THAT INDIA SHOULD CONSIDER THE HEARINGS A GOOD OPPORTUNITY TO MAKE THE GOI POSITION IN THE PUNJAB CLEAR. AMBASSADOR NOTED THAT THERE WILL ALSO SOON BE HEARINGS ON THE SRI LANKA PROBLEMS. NEVERTHELESS, NOT EVEN THE PRESIDENT HAS AUTHORITY TO TELL CONGRESS WHAT HEARINGS IT SHOULD HOLD.

6. RASGOTRA RESPONDED THAT HE HOPED THE U.S. CONGRESS

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DID NOT THINK IT HAD A RESPONSIBILITY FOR LEGISLATION ON THE PUNJAB: "WHAT HAS CONGRESS TO DO WITH IT?" HE NOTED HE HAD RECEIVED SEVERAL "CALLING ATTENTION MOTIONS" ON THE PROPOSED CONGRESSIONAL HEARINGS. (THIS TYPE OF MOTION IS A PARLIAMENTARY DEVICE WHEREBY A MEMBER CAN FORCE THE GOVERNMENT TO STATE ITS POLICY ON A SUBJECT.) RASGOTRA SAID HE HAD PUT THESE MOTIONS OFF BY SAYING THE HEARINGS WERE ONLY PROJECTED. NEVERTHELESS, HE SAID, IF PARLIAMENTARY DEBATE OCCURS, IT CAN "RIP OPEN THE RANGE AND TOTALITY OF INDO-US RELATIONS." RASGOTRA WENT ON TO SAY HE HAD TOLD AMBASSADOR BAUPAI IN THEIR LATEST CONVERSATION POSTPONEMENT WAS NOT ENOUGH. (BAUPAI APPARENTLY HAD HEARD THIS MIGHT BE POSSIBLE.) HEARINGS SHOULD NOT OCCUR BECAUSE OF THEIR BAD EFFECT. RASGOTRA THEN MADE AN EFFORT TO REASSURE US ON INDIAN PUBLIC STATEMENTS, SAYING HE DID NOT KNOW WHY SOLARZ SHOULD BE UNHAPPY. NO ONE IN AUTHORITY HAD ACCUSED THE CIA, NOT THE PRIME MINISTER, NOR THE FOREIGN MINISTER, NOR HE

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HIMSELF. THE AMBASSADOR INTERJECTED THAT SOME OF THE PRIME MINISTER'S EARLIER INTERVIEWS HAD COME RATHER CLOSE. RASGOTRA SAID HE WANTED TO POINT OUT IT WAS A DIFFICULT TIME; FOR EXAMPLE, THEY HAD RECEIVED INFORMATION ON A PLOT TO ASSASSINATE THE PRIME MINISTER. IN ANY CASE, IT SEEMED AS IF HIS OWN EARLIER STATEMENT TO THE CHARGE HAD BEEN MISUNDERSTOOD, THEREFORE, HE HAD IMMEDIATELY DICTATED HIS RENDITION OF THE CONVERSATION WHICH WAS CABLED TO BAUPAI.

7. AMBASSADOR REITERATED THAT HE WAS DESCRIBING CONCERNED ATTITUDES HE FOUND IN THE U.S. THE FACT THAT SUBSEQUENTLY THERE WERE NO ALLEGATIONS AGAINST THE U.S. IN THE WHITE PAPER WAS NOTED AND APPRECIATED. CHARGE CREEKMORE'S FURTHER CONVERSATIONS WITH RASGOTRA AND PRIME MINISTER'S ADVISOR, P.C. ALEXANDER, ALSO HELPED ALLAY THE CONCERN IN WASHINGTON WHICH HE FOUND EXPRESSED ON THE HILL AND BY THE VICE PRESIDENT'S OFFICE.

8. WITH REGARD TO THE CURRENT PARLIAMENTARY SESSION THE AMBASSADOR MENTIONED AS PARTICULARLY DISHEARTENING A STATEMENT ABOUT U.S. INVOLVEMENT IN THE PUNJAB BY BALI RAM BHAGAT (NEW DELHI 16453, PARA 3) WHO AMBASSADOR HAD EARLIER BEEN TOLD WAS A CONGRESS(I) MP AMBASSADOR SHOULD KNOW BECAUSE WITHIN THE PARTY HE WAS WELL VERSED ON FOREIGN AFFAIRS.

9. THOUGH HE SAID HE HAD NOT SEEN IT, RASGOTRA SEEMED UNCOMFORTABLE ABOUT THE BHAGAT STATEMENT, FIRST SAYING "FORGET HIM" AND REMARKING HE HOPED NO ONE HAD TOLD THE AMBASSADOR THAT BHAGAT SPEAKS FOR THE PRIME MINISTER. THEN, APPARENTLY RETHINKING THIS INJUNCTION, HE NOTED THAT BHAGAT IS A RESPONSIBLE, DECENT PERSON. RASGOTRA PROMISED TO STUDY EXACTLY WHAT HE SAID. IN ANY CASE, RASGOTRA ADDED, U.S. SHOULD KEEP IN MIND THAT THE GOI "HASN'T SAID IT." HE SAID AMBASSADOR SHOULD FEEL FREE TO PASS ON TO CONGRESSMAN SOLARZ (WHOM RASGOTRA HAS KNOWN FOR SOME YEARS) THAT IF STEVE (SOLARZ) WANTS TO KNOW GOI ATTITUDES INCLUDING THOSE IN ALLEGED CIA ACTIVITIES, HE SHOULD COME TO INDIA AND RASGOTRA WOULD TAKE HIM AROUND.

10. BY WAY OF CONTRAST HE ADDED THAT IF "OUR (PARLIAMENTARY FOREIGN AFFAIRS) CONSULTATIVE COMMITTEE WANTS A HEARING ON AN ISSUE INVOLVING U.S. DOMESTIC CONCERNS, I WOULDN'T HAVE IT." RASGOTRA THEN SAID THAT HE HAD BEEN SPEAKING AS A FRIEND BUT HE WANTED TO SAY AS FOREIGN SECRETARY THAT "IF WE HAVE ANY PROBLEM WITH U.S. POLICY OR ACTIVITIES, THINGS WE LIKE OR DON'T LIKE, I'LL TAKE IT UP WITH YOU. BUT DON'T OVER-REACT TO THESE KIND OF (PARLIAMENTARY) STATEMENTS. WE WON'T DEAL WITH YOU THROUGH PARLIAMENT."

11. AMBASSADOR ENDED CONVERSATION ON THIS SUBJECT BY NOTING THAT HE KNEW HE AND RASGOTRA SHARED THE UNDERSTANDING THAT THEY COULD NOT CHANGE THE

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PROCESS OF CONSTITUTIONAL GOVERNMENT IN THE TWO COUNTRIES. NEVERTHELESS, HE AGREES WITH RASGOTRA THAT THEY SHOULD WORK TO AVOID COMPLICATIONS.

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HE SUGGESTED, THEREFORE, THAT RASGOTRA SHOULD BEAR IN MIND OUR EFFORTS TO DISUADE SOLARZ FROM HOLDING HEARINGS. HE EXPRESSED THE HOPE THAT RASGOTRA WOULD USE HIS GOOD OFFICES SO THAT THE PRESENT SESSION OF THE INDIAN PARLIAMENT WOULD NOT COMPLICATE THE RELATIONSHIP BY MEMBERS MAKING UNHELPFUL STATEMENTS. SUCH STATEMENTS COULD ONLY REINFORCE CONGRESSMAN SOLARZ' BELIEF THAT HE NEEDED TO HOLD HEARINGS. RASGOTRA THEN SAID HE WOULD SEE WHAT HE MIGHT BE ABLE TO DO.

12. THE AMBASSADOR SUGGESTED AND RASGOTRA AGREED THAT THEY GET TOGETHER AGAIN ONCE RASGOTRA HAD HEARD FROM BAUPAI AFTER BAUPAI'S SUBSEQUENT TALKS WITH SOLARZ.

13. ON JULY 30, G. PARTHASARATHY OFFERED A MORE COMPACT BUT EQUALLY INTENSE CRITICISM OF THE SOLARZ HEARING SAYING THEY WOULD BE "VERY HARMFUL TO US-INDIAN RELATIONS." HE SAID HE UNDERSTOOD THE U.S. GOVERNMENTAL SYSTEM (SEPARATION OF POWERS) BUT HE STILL HOPED WE COULD DO SOMETHING TO STOP THE HEARINGS. HE OBSERVED THAT IT IS ONE THING FOR U.S. CONGRESSMEN TO SPEAK OUT ON ISSUES IN CONGRESS, BUT ANOTHER TO OFFER SIKH RADICALS A PLATFORM FROM WHICH TO PROMOTE THEIR KHALISTAN VIEWS. PARTHASARATHY SAID THE KHALISTAN ADVOCATES HAD CONSIDERABLE FINANCIAL SUPPORT AND CAN DRUM UP SYMPATHIES IN THE AMERICAN SIKH COMMUNITY TO SUPPORT THEIR PROGRAM. HE SAID IT WAS SAD THAT THINGS LIKE THE COMPLICATIONS OF THE SOLARZ HEARINGS HAVE TO OCCUR. WHEN THEY DO THERE IS NO WAY THEY CAN BE EXPLAINED, SO THEY PRODUCE A BIG SET-BACK TO US-INDIAN RELATIONS. THE AMBASSADOR MADE SIMILAR POINTS TO THOSE OFFERED TO RASGOTRA. PARTHASARATHY IN FACT SEEMED MORE INTERESTED IN LAYING OUT THE INDIAN POSITION THAN IN HEARING THE AMERICAN SIDE WHICH HE APPARENTLY FELT HE UNDERSTOOD WELL. (PRESUMABLY RASGOTRA HAD BRIEFED HIM ON HIS JULY28 CONVERSATION WITH THE AMBASSADOR.)

14. COMMENT: WE LEAVE TO DEPARTMENT'S DISCRETION AT WHAT STAGE TO PASS ON RASGOTRA'S RESPONSE TO THE CONGRESSMAN. WE ASSUME P.C. ALEXANDER'S FAILURE TO MENTION THE HEARINGS DURING HIS AUGUST 2 TALK WITH THE AMBASSADOR WAS DUE LARGELY TO HIS FEELING THE MATTER HAD BEEN THOROUGHLY DISCUSSED BOTH HERE AND IN WASHINGTON. IF THE HEARINGS DO PROCEED IN SEPTEMBER, PARLIAMENT'S BEING OUT OF SESSION WILL DEFINITELY BE A HELP, BUT GOI AND PUBLIC REACTION WILL STILL BE STRONG BECAUSE THE WHOLE PUNJAB QUESTION REMAINS SO CENTRAL AND SO PAINFUL. WE ARE THEREFORE ENCOURAGED BY REPORT IN REFTEL D THAT HEARING MAY NOT BE HELD AT ALL. BARNES

END OF MESSAGE

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